United Nations A/63/766

General Assembly

Distr.: General
13 March 2009

Original: English

Sixty-fourth session
Agenda item 104 (c)
Elections to fill vacancies in subsidiary organs and other elections: election of eighteen members of the Human Rights Council

Note verbale dated 30 January 2009 from the Permanent Mission of Kenya to the United Nations addressed to the President of the General Assembly

The Permanent Mission of the Republic of Kenya to the United Nations presents its compliments to the President of the General Assembly and, with reference to Kenya's candidature for membership to the Human Rights Council for the term 2009-2012 in the elections to be held in May 2009, has the honour to forward herewith, an aide-memoire in support of Kenya's candidature (see annex).

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Annex to the note verbale dated 30 January 2009 from the Permanent Mission of Kenya to the United Nations addressed to the President of the General Assembly

Republic of Kenya: voluntary pledges and commitments on human rights

Background

The Government of the Republic of Kenya has decided to put forward its candidature to the Human Rights Council for the term 2009-2012 in the elections to be held during the sixty-third session of the General Assembly.

Kenya attaches great importance to the promotion of and respect for human rights as universally shared principles and norms as enshrined in the Charter of the United Nations, the Universal Declaration of Human Rights and relevant international human rights instruments.

The Republic of Kenya has assumed the highest international standards and is a signatory to the major human rights treaties and to most of their optional protocols and regularly submits reports on their implementation.

The major international treaties Kenya has signed include:

- International Convention on the Elimination of All Forms of Racial Discrimination (2001)
- International Covenant on Economic, Social and Cultural Rights (1972)
- International Covenant on Civil and Political Rights
- Convention on the Elimination of All Forms of Discrimination against Women (1984)
- Convention on the Rights of the Child (1990)
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1990)
- Convention on the Rights of Persons with Disabilities

The Republic of Kenya has been actively involved in the work of the key human rights organizations. Kenya, as a member of the Commission on Human Rights in the past and in 2005, contributed to the effective establishment of the Human Rights Council.

Kenya hosts various regional and international human rights meetings and recently hosted the ninth International Conference on National Human Rights Institutions.

Pledges and commitments

In line with the noble goals to enhance the promotion and protection of human rights, the Government of the Republic of Kenya commits itself:

To further advancing human rights

At the international level

Kenya continues to play an active role in mediation and resolution of regional conflicts with the strategic objective of establishing and nurturing ideal conditions for the promotion and protection of human rights. This objective is premised on Kenya's conviction that the enjoyment of human rights can only be guaranteed in conditions of peace, security and stability.

One of the cardinal precepts of Kenya's foreign policy is that the promotion and protection of human rights must be diligently pursued in both the bilateral and multilateral frameworks. Kenya reaffirms its commitment to continue to pursue this policy in partnership with the international community.

Kenya served as a member of the Commission on Human Rights from 1984 to 1986; from 1992 to 1994; from 2001 to 2003; and in 2005, and participated actively in the transition and establishment of the Human Rights Council.

Kenya continues to work closely with the special procedures of the treaty bodies and mechanisms of the Council by inviting special rapporteurs of the Human Rights Council to visit Kenya and by extending maximum cooperation to them in their valuable work. The following special rapporteurs have visited Kenya:

- Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people
- Representative of the Secretary-General on the human rights of internally displaced persons
- Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment
- Representative of the Secretary-General on crimes against humanity
- Special Rapporteur on adequate housing and a fact-finding mission invited in February 2008.

In line with its international obligations, Kenya has presented its initial reports to the Committee on Economic, Social Cultural Rights and the Committee against Torture (in November 2008).

Kenya embraces the principle of a universal periodic review of the human rights records of Member States. Kenya was among the first African countries to voluntarily submit itself for review under the African Peer Review Mechanism of the New Partnership for Africa's Development, which evaluates members and makes recommendations on promotion and protection of human rights, good governance, the rule of law and justice. Kenya looks forward to its review, in 2010, through the recently established universal periodic review mechanism of the Human Rights Council.

At the national level

Kenya has endeavoured to match its international legal obligations with practical strategies and action plans at the national level guided by the principles of human dignity, non-discrimination, justice and equality for all.

The constitution of Kenya guarantees a wide range of human rights and stipulates direct implementation of these rights. The judicial authority is the legal structure within which human rights are protected while the legislative authority is vested in the parliament, which has created various institutions.

- Kenya has ratified various landmark human rights instruments and regularly submits national reports to a diverse assortment of treaty bodies. Kenya is a State party to all international human rights treaties.
- Kenya has also taken a number of concrete measures to safeguard the civil and political rights of her citizens, including:
    - o The opening up to participation by the people in the democratic process.
    - o The expansion of the mandate of the Ministry of Justice and Constitutional Affairs (established in 2003) to include national cohesion in a bid to inculcate a feeling of national unity, prosperity and equitable distribution of resources.
    - o The establishment of the Kenya National Commission on Human Rights in line with the United Nations requirements. Apart from acting as a watchdog, the core mandate of the Commission is to further the protection and promotion of human rights in Kenya.
    - o The liberalization of Kenya's airwaves reflects the spirit of freedom of information and expression of opinion. Print and electronic media operators function freely without Government intervention.
    - o Active and continuous engagement with civil society on issues pertaining to Government policies on human rights, their implementation and the challenges faced.
    - o The establishment of Ministry of Gender and Children Affairs and the Ministry of Youth Affairs in recognition of the vital role that youth and women play in development.
    - o The recent challenges that Kenya has faced and their subsequent resolution bear witness to Kenya's readiness to self-evaluate and take action. The Government has been steadfast in honouring its pledge of putting the needs of the citizens of Kenya first.

The Kenya Vision 2030, recently launched by the Government, is a Government strategy paper that outlines the guiding principles that Kenya adheres to as well as its framework for the future. These guiding principles include: equality of Kenyan citizens and a secure bill of rights — a comprehensive bill of rights that covers civil rights, economic, social and cultural rights; and the rights and needs of women and children, persons with disabilities, the elderly and refugees:

- Kenya has enacted the Gender Commission Act and subsequently established a fully fledged Ministry of Gender, as well as establishing the Women's Enterprise Development Fund and the Youth Fund, concerted efforts to deal with the challenges caused by gender disparity.
- Kenya has undertaken reforms in the judicial sector to enhance equitable and timely access to justice by all. Through the governance, justice, law and order sector programme, the Government is implementing substantial reforms to

enhance integrity and accountability in the management of public resources, efficient and fair administration of justice, respect for and enforcement of human rights and the rule of law as well as to institutionalize democratic practices and nurture stable institutions of governance.

- Kenya has taken aggressive steps against corruption, including: the enactment of the Anti-Corruption and Economic Crimes Act and the Public Office and Ethics Act; establishment of the Kenya Anti-Corruption Commission; initiation of the National Campaign Against Corruption through a concerted, collective effort of the Government and civil society; and the enactment of the Public Procurement and Disposals Act. These steps are key to ensuring that public funds are safe from plunder and misuse while at the same time placing accountability at the core of utilization of public funds to ensure service delivery.

- Kenya adopted universal free primary education in 2003 and in 2008 launched free secondary education. These are initiatives towards the realization of the goal of making education accessible to all Kenyan citizens.

Within the framework of a universal health care as an integral human right, children under the age of five have access to free health care. Malaria and tuberculosis patients also get free medical treatment. Antiretroviral drugs are provided free of charge to persons infected with HIV/AIDS.

The Government of Kenya remains firmly committed to the protection and promotion of human rights throughout the world and would be grateful to receive the support of your Government in our quest for election to the Human Rights Council.